



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 7, 2010

Washington Water Service
Attn: Paul Robischon
6800 Meridian Road SE
Olympia, WA 98513-6302

Re: Water Right Permit No. G2-26813

Dear Mr. Robischon:

Your extension is approved.

In response to your request for an extension, Washington Water Service (WWS) is hereby granted an approval to apply water to full beneficial use for the reasons below:

- WWS has shown consistent progress and due diligence in the development of the existing Rolling Firs/Evergreen Terrace service area.
- Water is needed to meet future demand of the service area.

Your new deadline to submit *Proof of Appropriation of Water* is **March 1, 2014**.

The provisions on your permit have been updated.

Permit G2-26813 has been amended with the following updated requirements:

In accordance with WAC 173-160, wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations, as appropriate. In general, wells shall be located at least 100 feet from sources of contamination. Wells shall not be located within 1,000 feet of the boundary of a solid waste landfill.

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port is required as described in WAC 173-160-291(3).

An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

Water use data shall be recorded monthly and maintained by the property owner for a minimum of five years. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the sources, system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

Water system coordination issues must be resolved.

When this permit was issued in 1986, it was South Sound Utility's intent to serve 950 homes within the place of use boundaries. Since that time, the North Thurston County Coordinated Water System Plan (CWSP) has designated most of the place of use as City of Lacey water service area.

According to the CWSP, City of Lacey has the right of first refusal for almost the entire place of use of this permit with the exception of the Rolling Firs/Evergreen Terrace service area and some adjacent properties. City of Lacey has clearly stated its intent to serve this area. However, at this time, it is not clear if Lacey will be able to serve the entire area in a "timely and reasonable" manner as required under the Water System Coordination Act (Chapter 246-293 WAC).

We understand that the undeveloped portion of this permit may be exercised within the City of Lacey's designated service area under certain conditions, such as:

- If City of Lacey is unable to provide water to new developments within the place of use in a timely and reasonable manner;
- If WWS and City of Lacey enter into a service area agreement allowing WWS to serve new developments on a temporary basis until Lacey can assume management or connect the system(s) to the city's supply;
- If WWS chooses to transfer the undeveloped portion of this right to City of Lacey.

You indicate that WWS is ready to construct additional wells and infrastructure on demand as build-out occurs and intends to serve new development within the greater place of use of this permit. However, these plans are not discussed in a current water system planning document.

In order to be eligible for future extensions of this permit, WWS must include the following information in a Department of Health (DOH)-approved water system planning document by March 1, 2014:

- Clearly defined service area boundaries consistent with the CWSP, or an approved service area agreement showing how WWS and the City of Lacey will coordinate water service within the place of use of this permit;
- Growth and water demand forecast projections showing how you expect to develop water under this permit over time;
- Plans for additional construction or expansion of water system infrastructure under this permit.

Please note that if City of Lacey demonstrates to Ecology and DOH that it is clearly able to provide water, in a timely and reasonable manner, to all lots in its service area within this permit's place of use:

- *This permit will be partially rescinded to authorize only the quantity of water needed to develop the number of connections that WWS can potentially serve;*
- *The place of use will be amended accordingly.*

If you have any questions regarding this letter, please contact Marie Peter at (360) 407-0279 or by e-mail at mpet461@ecy.wa.gov.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia WA 98504-7608

OR Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal to:

Thomas Loranger
Department of Ecology
PO Box 47775
Olympia, WA 98504-7775

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser>.*

Sincerely,

Michael J. Gallagher for Thomas Loranger

Thomas Loranger
Section Manager
Water Resources Program

Cc: Peter Brooks, City of Lacey Public Works
Clark Halvorson, DOH
Daniel Garipey, DOH

Enclosures: *Proof of Appropriation of Water
Your Right to Be Heard
Amended Permit G2-26813*

BY CERTIFIED MAIL: 7009 2820 0001 7155 4968